

CHAPTER 1064
SCHOOL DISTRICT DEACCREDITATION
S.F. 2289

AN ACT relating to deaccreditation of a school district by the state board of education and to the disposition of certain former school district funds, and including effective date, validation, and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.11, subsection 11, paragraphs c and d, Code Supplement 2009, are amended to read as follows:

c. If the deficiencies have not been corrected, and the conditional accreditation alternatives contained in the report are not mutually acceptable to the state board and the local board, the state board shall deaccredit the school district and merge the territory of the school district with one or more contiguous school districts at the end of the school year. The state board may place a district under receivership for the remainder of the school year. The receivership shall be under the direct supervision and authority of the area education agency in which the district is located. The decision of whether to merge deaccredit the school district and require payment of tuition for the district's students or to place the district under receivership shall be based upon a determination by the state board of the best interests of the students, parents, residents of the community, teachers, administrators, and school district board members and upon the recommendations of the accreditation committee and the director.

d. In the case of a nonpublic school, if the deficiencies have not been corrected, the state board may declare a deaccredit the nonpublic school to be nonaccredited. The removal of accreditation deaccreditation shall take effect on the date established by the resolution of the state board, which shall be no later than the end of the school year in which the nonpublic school is declared to be nonaccredited deaccredited.

Sec. 2. Section 256.11, subsection 12, Code Supplement 2009, is amended to read as follows:

12. If the state board ~~removes accreditation from~~ deaccredits a school district and merges the territory of the school district with one or more contiguous school districts, the deaccredited school district ~~whose accreditation is removed~~ ceases to exist as a school corporation on the effective date set by the state board for ~~removal of accreditation deaccreditation.~~ Notwithstanding any other provision of law, the contiguous school districts receiving territory of the ~~former deaccredited school district whose accreditation was removed~~ are not considered successor school corporations of the ~~former deaccredited school~~ district.

a. Division of assets and liabilities of the deaccredited school district ~~whose accreditation was removed~~ shall be as provided in this paragraph "a" and in sections 275.29 through 275.31.

(1) If one or more of the contiguous school districts receiving assets and liabilities of the deaccredited school district whose accreditation was removed utilizes the equalization levy, only that territory in the school district imposing the equalization levy that comprises territory of the ~~former deaccredited~~ school district shall be taxed.

(2) Income surtax revenue and revenues generated by property taxes shall be distributed proportionately based on taxable value of the territory received by one or more school districts contiguous to the ~~former deaccredited~~ school district ~~whose accreditation was removed.~~

(3) Revenues that are based on student enrollment shall be distributed based on percentages of students of the who were enrolled in the deaccredited school district whose accreditation was removed in the school year immediately prior to deaccreditation and who now reside in territory received by one or more school districts contiguous to the deaccredited school district whose accreditation was removed.

(4) If the deaccredited school district has a negative fund balance in its general fund at the time it is deaccredited by the state board, the director may order that the positive balance from

one or more other funds of the deaccredited school district be transferred to the deaccredited school district's general fund.

b. Prior to the effective date set by the state board for ~~removal of accreditation~~ deaccreditation, the school district whose accreditation is to be removed shall remain responsible for, and may retain such authority as is necessary to complete, all of the following:

(1) Execution of one or more quitclaim deeds, in fulfillment of the merger of territory received by one or more contiguous school districts from the ~~former~~ deaccredited school district ~~whose accreditation was removed~~.

(2) Preparation of and payment for a final audit of all the district's financial accounts.

(3) Preparation and certification of a final certified annual report to the department.

c. The provisions of section 275.57 apply when ~~removal deaccreditation of accreditation~~ from a school district and merger of its the territory of such school district with a contiguous school district that is currently divided into director districts leads to the formation of new director districts.

Sec. 3. DEPARTMENT OF EDUCATION — AUTHORIZING FUND TRANSFERS — VALIDATION AND RETROACTIVE APPLICABILITY.

1. a. Notwithstanding any other statute or rule of law to the contrary, if a school district whose accreditation was removed by action of the state board of education effective July 1, 2008, had a negative fund balance in its general fund at the end of the school budget year beginning July 1, 2007, the director of the department of education is authorized to and shall approve by August 1, 2010, the transfer of any positive balance from one or more funds of the school district to the school district's general fund for the school budget year beginning July 1, 2007, and the transfer made is hereby validated and to that extent, this Act applies retroactively to July 1, 2007.

b. On the date on which the director of the department of education approves the transfer of funds pursuant to this subsection, the department shall provide notice of the approval of the funds transferred pursuant to this subsection to the boards of directors of the school districts to which the former school district's territory was merged and shall transmit to the state board of education a record of the approval of the funds transferred pursuant to this subsection.

2. The board of directors of a school district to which the former school district's territory was merged shall be exempted from any liability resulting from the action taken by the director of the department of education pursuant to subsection 1 if the school board, within 30 days of the date on which the director of the department of education took action pursuant to subsection 1, adopts a resolution to accept the action taken by the director pursuant to subsection 1.

Sec. 4. EFFECTIVE UPON ENACTMENT. The section of this Act providing for authorization and validation of fund transfers by the department of education, being deemed of immediate importance, takes effect upon enactment.

Approved March 19, 2010

CHAPTER 1065**CHILD IN NEED OF ASSISTANCE PROCEEDINGS — ATTENDANCE BY CHILD AT COURT HEARINGS***S.F. 2298*

AN ACT relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.91, subsection 3, Code 2009, is amended to read as follows:

3. Any person who is entitled under section 232.88 to receive notice of a hearing concerning a child shall be given the opportunity to be heard in any other review or hearing involving the child. A foster parent, relative, or other individual with whom a child has been placed for preadoptive care shall have the right to be heard in any proceeding involving the child. If a child is of an age appropriate to attend the hearing but the child does not attend, the court shall determine if the child was informed of the child's right to attend the hearing. A presumption exists that it is in the best interest of a child fourteen years of age or older to attend all hearings.

Sec. 2. Section 232.91, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 4. If a child is of an age appropriate to attend a hearing but the child does not attend, the court shall determine if the child was informed of the child's right to attend the hearing. A presumption exists that it is in the best interests of a child fourteen years of age or older to attend all hearings and all staff or family meetings involving placement options or services provided to the child. The department shall allow the child to attend all such hearings and meetings unless the attorney for the child finds the child's attendance is not in the best interests of the child. If the child is excluded from attending a hearing or meeting, the department shall maintain a written record detailing the reasons for excluding the child. Notwithstanding sections 232.147 through 232.151, a copy of the written record shall be made available to the child upon the request of the child after reaching the age of majority.

NEW SUBSECTION. 5. For purposes of this section, "attend" includes the appearance of the child at a hearing by video or telephonic means.

Approved March 19, 2010

CHAPTER 1066**PAROLE AND OUT-OF-STATE DETAINERS***S.F. 2303*

AN ACT relating to detainees lodged against parolees in this state.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 906.4, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. A person paroled who has a detainer lodged against the person under the provisions of chapter 821 may be paroled directly to the receiving state